

**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

1000 FRIENDS OF WASHINGTON, ¹)	
)	CPSGMHB Case No. 04-3-0022
Petitioners,)	
)	(1000 Friends V)
and)	
)	
TEUFEL PROPERTIES LLC)	ORDER OF DISMISSAL
Interveners)	
)	
v.)	
)	
CITY OF KENT,)	
)	
Respondent.)	
_____)	

I. BACKGROUND

On September 22, 2004, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from 1000 Friends of Washington (**1000 Friends**). The matter was assigned Case No. 04-3-0022. Board member Edward G. McGuire is the Presiding Officer (**PO**) for this matter. 1000 Friends challenges the City of Kent's (**Kent** or **City**) adoption of Ordinance No. 3698 updating and amending the City's Comprehensive Plan. The basis for the challenge is noncompliance with the Growth Management Act (**GMA** or **Act**).

Also on September 22, 2004, the Board received a PFR from Kent CARES, Northwest Alliance, Inc., and Don B. Shaffer (**Shaffer**). The matter was assigned Case No. 04-3-0023. Board member Edward G. McGuire is the PO for this matter. Shaffer also challenges the City's adoption of Ordinance No. 3698 updating and amending the City's Comprehensive Plan. The basis for the challenge is noncompliance with the Growth Management Act (**GMA** or **Act**).

On September 23, 2004, the Board issued an "Order of Consolidation and Notice of Hearing" in the above-captioned consolidated case. The Order set a date for a prehearing conference (**PHC**) and established a tentative schedule for the case.

At the October 25, 2004 PHC, the parties to PFR 04-3-0022 presented the PO with a "Joint Motion to Bifurcate and Extend Case Schedule" (**Settlement Extension**). The parties indicated they had begun settlement discussions and the City would be considering possible legislative actions to resolve the dispute. Settlement Extension, at 1-3.

On October 27, 2004, the Board issued an "Order Bifurcating the Consolidated Cases."

¹ 1000 Friends of Washington has changed its name to Futurewise.

Also on October 27, 2004 the Board issued an “Order Granting Settlement Extension and Prehearing Order.” This Order extended the case schedule for the requested 90 day period.

On March 10, 2005, the Board received a “Second Joint Motion to Extend Case Schedule.”

On March 10, 2005, the Board issued an “Order Granting Second Settlement Extension.” This Order extended the case schedule for the requested 90 day period.

On March 29, 2005, the Board received a Motion to Intervene from RRR Enterprises LLP and Gene Rosso.

On April 11, 2005, the Board issued an “Order on Intervention.” This Order **granted** intervener status to RRR Enterprises and Gene Rosso and established the conditions for intervention.

On April 19, 2004, the Board received from Intervener “Motion for Partial Reconsideration of Order on Intervention.” Intervener objected to the limitations imposed for the settlement discussions and wanted full status as an original party, with the ability to proceed before the Board even if Petitioner 1000 Friends and the City resolved their dispute.

On April 25, 2005,² the Board issued an “Order Denying Motion to Reconsider.”

On May 23, 2005, the Board received “Third Joint Motion to Extend Case Schedule and Request to Amend Index of Documents.”

On May 26, 2005, the Board received “Response of Interveners to Third Joint Motion to Extend Case Schedule and Request to Amend Index of Documents.”

On May 27, 2005 the Board issued an “Order Granting Third Settlement Extension and Permitting Amended Index.”

On September 7, 2005, the Board received “Fourth Joint Motion to Extend Case Schedule and Request to Amend Index of Documents.”

On September 8, 2005, the Board issued an “Order Granting Fourth Settlement Extension and Permitting Amended Index.”

On November 16, 2005, the Board, pursuant to a “Motion to Substitute Parties” filed by Teufel Properties LLC, the Board issued an “Order on Substitution” (11/16/05 Order). The 11/16/05 Order substituted Teufel Properties LLC as Intervener in Place of RRR Enterprises LLP and Gene J. Rosso prior Interveners. Intervener Teufel’s participation in this matter was limited by the same terms and conditions as originally set forth in the Board’s April 11, 2005 Order on Intervention. Intervener Teufel acknowledged and accepted such limitations.

On December 22, 2005, the Board received “Stipulated Dismissal of Petition for Review” (**Stipulated Dismissal**), signed by Petitioner and Respondent. The Stipulated Dismissal indicates that “these parties have resolved the matter at issue in this case. These parties therefore stipulate

² On the same day as the Order issued, the Board received “City of Kent’s Response to RRR Enterprises’ Motion for Partial Reconsideration of Motion to Intervene.” The City objected to the request arguing that granting it would violate RCW 36.70A.290(2). The same basis as the Board’s Order denying the motion.

that the petition for review filed in this case should be dismissed with prejudice by this Board.”
Stipulated Dismissal, at 1.

II. ORDER

Having reviewed the stipulation of the Petitioner and Respondent, the GMA, the Boards Rules of Practice and Procedure, and prior Orders of the Board, and having deliberated on the matter, the Board ORDERS:

- Pursuant to the stipulation of the Petitioner and Respondent, CPSGMHB Case No. 04-3-0022 (*1000 Friends of Washington v. City of Kent*), is **dismissed with prejudice**.
- All scheduled hearings and further proceedings in this matter are **cancelled**, and this matter is hereby **closed**.

So ORDERED this 22nd day of December, 2005.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
Board Member